

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RONALD D. PEAK,

Plaintiff,

v.

WILLIAM HUTCHINSON, et al.,

Defendants.

Case No. 3:22-cv-00566-ART-CLB

ORDER

I. DISCUSSION

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual who was in the custody of the Nevada Department of Corrections at the time he initiated this case. At the time Plaintiff initiated this case, Plaintiff submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). In this Court's January 12, 2023, screening order the Court deferred a decision on the application to proceed *in forma pauperis*. (ECF No. 3 at 1). The screening order also imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 3, 7). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 11).

The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner **on or before May 25, 2023**, or pay the full filing fee of \$402.¹ After the Court determines the matter of the payment of the filing fee, the Court will issue an order on the matter of service.

///

¹ The Court notes that in Plaintiff's original application to proceed *in forma pauperis*, he appeared to have enough funds to pay the full filing fee for a civil action. (See ECF No. 1). If Plaintiff does not qualify for *in forma pauperis* status, he will be required to pay the full \$402 filing fee before this case may proceed.

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* for prisoners (ECF No. 1) is DENIED as moot.

IT IS FURTHER ORDERED that, **on or before May 25, 2023**, Plaintiff shall either:
(1) file a fully complete application to proceed *in forma pauperis* for non-prisoners; or (2)
pay the full filing fee of \$402.

IT IS FURTHER ORDERED that upon the resolution of the matter of the filing fee this Court shall issue a subsequent order on the matter of service.

23. 
UNITED STATES MAGISTRATE JUDGE